

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES GORTON,

Plaintiff,

v.

BICK, et. al.,

Defendant.

CV F- 05-0354 OWW DLB P

ORDER DIRECTING PLAINTIFF TO
SUBMIT USM 285 FORMS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights amended complaint filed on October 7, 2005. The amended complaint appears to state a cognizable claim for relief against defendant Bick for failure to protect plaintiff from serious harm in violation of the Eighth Amendment. Accordingly, IT IS HEREBY ORDERED that:

1. Service is appropriate for defendant Officer Bick.
2. The Clerk of the Court shall send Plaintiff one (1) USM-285 form, one (1) summons, a Notice of Submission of Documents form, an instruction sheet and a copy of the amended complaint filed October 7, 2005.
3. Within THIRTY (30) DAYS from the date of this Order, Plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the Court with the following documents:

- a. Completed summons;
 - b. One completed USM-285 form for each defendant listed above; and
 - c. Two (2) copies of the endorsed amended complaint filed October 7, 2005.
4. Plaintiff need not attempt service on Defendants and need not request waiver of service. Upon receipt of the above-described documents, the court will direct the United States Marshal to serve the above-named Defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.
5. The failure to comply with this Order will result in a Recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: September 15, 2006
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/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE